

**FOR THE DISTRICT OF DELAWARE**

BECTON, DICKINSON AND COMPANY,  
GENEOHM SCIENCES CANADA, INC.  
and HANDYLAB, INC.,

Plaintiffs,

C.A. No. 19-cv-1126-LPS

v.

NEUMODX MOLECULAR, INC.,  
QIAGEN GMBH, and QIAGEN NORTH  
AMERICAN HOLDINGS, INC.,

Defendants.

**DEFENDANTS NEUMODX MOLECULAR, INC., QIAGEN GMBH, AND QIAGEN  
NORTH AMERICAN HOLDINGS, INC.’S MOTION TO STRIKE, DISMISS AND/OR  
DISALLOW PLAINTIFFS’ “COUNTERCLAIMS-IN-REPLY” NOS. 1–11**

Defendants NeuMoDx Molecular, Inc., QIAGEN GmbH and QIAGEN North American Holdings, Inc. (“Defendants”), move to strike, dismiss and/or disallow Plaintiffs’ Becton, Dickinson and Company, GeneOhm Sciences Canada, Inc., and HandyLab, Inc. (collectively, “Plaintiffs”) recently-filed “Counterclaims-In-Reply” Nos. 1-11, pursuant to Federal Rules of Civil Procedure 12(f), 12(b)(6), and/or the Court’s inherent power to manage its docket.

Plaintiffs should have filed a motion to amend seeking leave to add the eleven “Counterclaims-in-Reply” and two new parties, and the Court should evaluate the new claims and parties under the Rule 15(a) motion to amend standard. Because the “Counterclaims-In-Reply” Nos. 1-11 do not meet the Rule 15(a) standard to amend, were filed without leave, concern new legal and factual theories, would severely disrupt the case schedule, and would overwhelm the jury, Defendants move to strike and/or dismiss them, without prejudice to Plaintiffs’ right to file them in a separate case.

The grounds for this motion are provided in the letter brief filed herewith.

Dated: May 13, 2021

Respectfully submitted,

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